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MAY 12, 2017

Re: Bridgeforth, et al. v. City of N.Y., et al., No. 16 Civ. 273 (WHP) (S.D.N.Y.)

Dear Judge Pauley:

I represent Plaintiffs in the above-captioned Section 1983 action. Last month, Your Honor granted the Parties an extension to complete discovery due to one of the Plaintiff's development of an unexpected medical issue. You have since directed the Parties to file a status report on or before May 12, 2017, with a proposed revised fact discovery schedule. With this letter, I respectfully propose that the Court allow a July 7, 2017, close of fact discovery.¹

I continue to be in very regular touch with the Plaintiff whose deposition had to be trailed, and which caused some disruption to the overall pretrial schedule, which the Parties have done their best to mitigate, as described herein. I spoke to the Plaintiff just yesterday in fact to gather more information, I conferred with Defendants about the Plaintiff's progress, and we are all hopeful that the Plaintiff's deposition can be taken in the next two weeks. There is a possibility that the Plaintiff's condition may require the accommodation of a two-session deposition. I have discussed this with Defense Counsel as well, and though the need for the accommodation is not certain, Defendants agree to the accommodation if it proves necessary. The deposition will be scheduled on or before the end of this month.

Paper discovery remains open but nearly finished. The depositions have permitted Plaintiffs to identify additional records and Plaintiffs have served a deficiency letter/supplemental document requests. I will file a motion for paper discovery on or before the last day of May 2017 if that motion practice is necessary, so that any outstanding paper discovery does not occasion any delay beyond the overall July 7, 2017, discovery deadline proposed today.

Regarding depositions, Defendants have taken two of the three Plaintiffs' depositions. Plaintiffs have taken the depositions of two Defendants, a 30(b)(6) witness, an ACS non-party witness, and an ADA non-party witness. The subjects and timing of the final depositions are being discussed and details finalized very shortly.

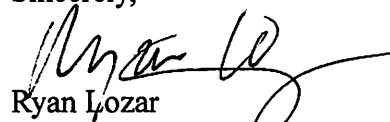
The Parties have openly discussed throughout this litigation, and at our last conference with the Court, that Plaintiffs anticipated that depositions—particularly of non-parties—might clarify the need for some complaint amendment (for example, to eliminate a party or add a claim). The most recent non-party depositions have provided Plaintiffs with sufficient

¹ I have shared this letter with Defendants, and they consent to the proposed close of fact discovery of July 7, 2017. As for my status update accompanying the proposal, they reserve the right to oppose the discovery or amendment motion mentioned herein, or to raise other disputes as appropriate that I have not anticipated here.

information to determine if they will so move. On or before May 26, 2017, Plaintiff will make any such motion, in the event that Defendants do not consent to amendment.

Finally, the Parties have rather recently begun to discuss settlement for the first time. In the event that the Parties achieve that, we will alert the Court immediately. Thank you in advance for your attention and patience.

Sincerely,



Ryan Lozar
Attorney for Plaintiffs